IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 33659 of 2006(F)

PETITIONER:

A.J. JOSEPH, ALUNKAL HOUSE,
ANICKAD EAST P.O., KOTTAYAM.

BY ADV. SRI.I.DINESH MENON

RESPONDENT:

THE REGIONAL TRANSPORT OFFICER,
ERNAKULAM.

BY GOVERNMENT PLEADER SMT. M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/03/2007 ALONG WITH WPC NO. 4839 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE REGULAR PERMIT ISSUED TO KL-5/L 30.

EXT.P2: COPY OF THE PROCEEDINGS DTD. 7/11/2006.

EXT.P3: COPY OF THE FILED OFFICERS REPORT DTD. 7/12/06.

EXT.P4: COPY OF THE PROCEEDINGS DTD. 4/12/2006.

EXT.P5: COPY OF THE RC BOOK OF THE VEHICLE KL-5/L 30.

/TRUE COPY/

KSS

K.BALAKRISHNAN NAIR,J.

WP(C)NOS.33659/06 & 4839/07

Judgment

Writ Petition (C) No.33659/06

The petitioner is the registered owner of the stage carriage KL-05/30, which was having a regular permit on the route Kumali-Konnakkad. It was valid upto 24.07.2002. Pending renewal application and motions for concurrence of sister RTAs, the petitioner has operated the vehicle on the strength of temporary permits granted under Section 87(1)(d) of the Motor Vehicles Act. The petitioner submits, the vehicle was not covered by any permit from 01.07.2006 to 30.11.2006. He claims the endorsement of tax at NTV rate for the said period.

2. The respondent has filed a counter affidavit, stating that the enquiries reveal that the petitioner has operated the vehicle occasionally between 01.07.2006 to 30.11.2006 and therefore, he has to pay tax at the stage carriage rate.

3. The respondent is directed to consider the claim of the petitioner for payment of tax at NTV rate for the above said period in accordance with law after affording an opportunity of being heard to the petitioner within one month from the date of receipt of a copy of this Judgment. The adverse materials obtained against him shall be disclosed to him at the time of hearing. The tax already paid by the petitioner pursuant to the interim order of this Court in this Writ Petition and also in Writ Petition (C) No.4839/07, shall be adjusted according to the outcome of the above consideration.

Writ Petition (C) No.4389/07

4. In view of the Judgment in Writ Petition (C) No.33659/06 and also the interim order passed by this Court in this Writ Petition on 13.02.2007, no further orders are required in this Writ Petition and it is accordingly closed.

05.03.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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